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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Case # C-1-01-163

Jan Albert Creusere,
Plaintiff

vs.

John Patrick Concannon, et. al.,
Defendants

Judge Weber,
Magistrate Judge Hogan

**OBJECTION TO THE HONORABLE
JUDGE HERMAN J. WEBER'S ORDER
DATED MARCH 30, 2004 WHICH ACCEPTS
MAGISTRATE HOGANS'S REPORT AND
RECOMMENDATION ...AND
MOTION FOR ENTRY OF DEFAULT**

1. INTRODUCTION

On March 30, 2004 the Honorable Judge Herman J. Weber issued an Order in the above captioned case which adopted and incorporated Magistrate Hogan's Report and Recommendations of Doc.'s # 23 and 24. Magistrate Hogan accepted the Defendant's excuse that John P. Concannon talked with Timothy J. Deardorf about resolving all issues I had with him and Cincinnati Public Schools and therefore had "excusable neglect" in not responding to my Complaint according to law. No such conversation took place. Included in my response to Magistrate Hogan's Show Cause Order was a sworn affidavit by Mr. Deardorf stating he never represented me in this case. And an inspection of the Court's own docket on this case shows that I alone represented myself on this case at all times. There is no Notice of Appearance by Mr. Deardorf anywhere at any time. These facts have been

ignored by the Judges in this case and I believe this is an abuse of discretion. Exhibit A is a copy of Mr. Deardorf's affidavit. Exhibit B is a copy of the Court's Docket. The law is very clear here. Only the attorney of record can negotiate or plead for a litigant. The facts do not support excusable neglect, nor does the law. The Defendants were out of time, period! I have written a letter to Mr. Croall and Cincinnati Public School's General Counsel telling them I am willing to drop this whole matter and I strongly urge the Court to agree.

In my original suit against Cincinnati Public Schools the case went longer than any other case at that time. In my suit against the Carpenter's Union it took 2 years and 10 months just to get to the Report of the Parties and was a full 18 months since the last Order by the Court. In this case it has been over 3 YEARS since the Complaint was filed and now the Court wants to hurry up and get it moving. And this Order of March 30, 2004 is a repeat of what has already been contemplated by the Court. I guess that is why I am listed as a prisoner on the docket.

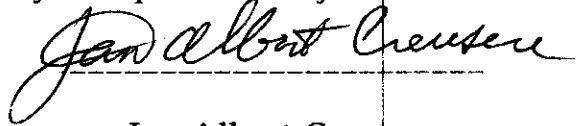
This whole thing is ridiculous. It is my opinion that there is no excuse for being treated the way I have been on three cases by this District Court. There is no excusable neglect here. My next step, if I am not granted default judgment, is to ask the Office of Professional Responsibility of the US Justice Department to investigate all the behavior by Mr. Concannon, Mr. Croall, and the Court to find out why my cases have languished while other cases, being filed after mine, have been completely adjudged by the Court. When I paid \$150 to file this Complaint, I had a right to expect reasonable treatment by the Court and not have the Defendants lie to the Court and not have the Court accept the lies. If all parties, including the Court, are willing to drop this matter with no monetary awards to anyone, I will agree. However, I will never agree to censureship.

In light of the above I respectfully submit the following:

MOTION

I, Jan Albert Creusere, plaintiff, *pro se*, in the above captioned case do formally move the Court to grant an Order of Default in favor of the Plaintiff.

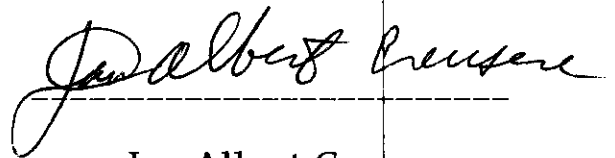
Respectfully submitted this 13th day of April, 2004 by,



Jan Albert Creusere
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Cincinnati OH 45212
513-631-2327
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CERTIFICATE OF SERVICE

I, Jan Albert Creusere, Plaintiff/Appellant, *pro se*, do hereby attest and affirm that a true and accurate copy of the above captioned Motion was served this 13th day of April, 2004 on David T. Croall, Counsel for the Defendants, c/o Porter, Wright, Morris, and Arthur, LLP, 250 East Fifth Street, Suite 2200, Cincinnati, OH 45202-5117 via regular US mail, first class, postage prepaid.



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